

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF ZONING APPEALS  
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING  
May 6, 2015**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

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|-------------------------------|----------|---|----------|
| Jerry Uebelhor, Chairman      | -Present | Randy Mehringer   | -Present |
| Josh Gunselman, Vice Chairman | -Absent  | Darla Blazey Director of Community Development/Planning | -Present |
| Dan Buck, Secretary           | -Present | Renee Kabrick, City Attorney                            | -Present |
| Bob Cook                      | -Present |   |          |

**PLEDGE OF ALLEGIANCE**

Chairman Uebelhor led the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

Minutes of the April 1, 2015 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 4-0.

**STATEMENT**

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

**NEW BUSINESS**

**Petition of National Office Furniture, Inc. (petitioner) and Kimball International, Inc. (owner) for a Variance from Sections 16.035.060 (5)(c) (Business and Industrial Zoning Sign Standards) and 16.035.090 (Business Zoning Sign Standards) to allow a monument sign which exceeds the square footage requirement**

Arnie Tempel and Gwen Gunselman were present on behalf of Kimball International and National Office Furniture (NOF), which will soon be located in Kimball's annex building at 1600 Royal Street. Mr. Tempel explained that NOF is currently located on 12<sup>th</sup> Avenue and will be moving to the Royal Street location when the renovation project is completed.

The request is to allow an additional monument sign, measuring 152 square feet, under a canopy approximately two feet away from the building. Lighting for the sign would be directed upward, which would cause no distraction to the neighboring area.

There were some neighbors present to voice their concerns regarding noise coming from the ongoing construction and the possibility of increased traffic flow and depreciation in value of their homes. Those who spoke before the board were Larry Horsting and Bernie Fromme. City Attorney Renee Kabrick explained that the renovations taking place on the building fall within the guidelines of the City's ordinance and have nothing to do with the sign variance request.

Following some discussion, Bob Cook made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 4-0.

Secretary Buck made a motion to grant a variance to place a sign, not to exceed 152 square feet, in front of the annex building located at 1500 Royal Street. Randy Mehringer seconded it. Motion carried 4-0.

**Petition of Dubois County L.P. Gas, Inc. for a Variance from Section 16.02.120 (Lot & Yard Requirements) to build within 12 feet of the side yard setback and a variance from Section 16.02.130 (Setback Requirements) to build within 26 feet of the front yard setback for an addition to the existing storage building and a variance from Section 16.02.140 (Height Regulations) on an existing storage building**

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Dubois County L.P. Gas, to request two variances to build an addition to an accessory building closer to the setback line than stated in the regulations of the City's zoning ordinance, and a variance on the height of the proposed addition that will measure 19 feet. Aaron Pfister, member of Dubois County L.P. Gas, was also present. The property is located at 1205 S. State Road 162.

Mr. Eckerle said the request is to build within three feet of the side yard property line and within 14 feet of the front yard property line. Plans to increase the height on the new addition are due to the fact that the land slants downward. The 19-foot height would allow the addition to be level with the rest of the building.

There were no remonstrators present. Following some discussion, Randy Mehringer made a motion to close the public hearing. Bob Cook seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a variance to build within three feet of the side yard property line, a variance to build within 14 feet of the front yard property line and a variance for an increase in height on the addition, not to exceed 19 feet. Secretary Buck seconded it. Motion carried 4-0.

**Petition of Dubois County Museum, Inc. (owner) and Kroger Limited Partnership I (petitioner) for a Variance from Section 16.035.060 (Business and Industrial Business Signs)(5)(a) to place an additional pylon sign at the southeast corner of Newton & 30<sup>th</sup> Streets**

John Kelly, Director of Facility Engineering and Real Estate for JayC Food stores, was present on behalf of Kroger Limited Partnership I, to request a variance to place a 26-foot-tall pylon sign with a reader board near the southeast corner of 30<sup>th</sup> & Newton Streets. JayC Foods owns and operates Ruler Food stores, a division of the Kroger Company. The newly built Ruler Foods is located at 155 E. 30<sup>th</sup> Street. Mr. Kelly displayed a rendering of the sign which the company intends to place on the property it leases from the Dubois County Museum at 2704

Newton Street. Jim Hagedorn, President of the Dubois County Museum Board was also present. The said property will also be used as a parking lot for Ruler Foods customers. Mr. Kelly said the placement of the sign in the proposed location would be beneficial for customers to find the store. The sign face measures 6ft. high x 8ft. wide.

Business owner Jeff Tunks appeared before the board to voice his concerns about the location of the sign. Mr. Tunks pointed out that the City's zoning regulations in regards to this variance request does not allow for off-premise signs and, in his opinion, the ordinance should be followed.

Mr. Hagedorn said Ruler Foods did approach the Dubois County Museum to purchase the property; however, since the Museum needs the space for additional parking, it was agreed upon by both parties for Ruler Foods to enter into a 25-year lease with the Museum. A separate tax parcel was created to distinguish which taxes need to be paid for said property.

Attorney Kabrick asked when the property was divided into a separate parcel. Mr. Hagedorn said Attorney Art Nordhoff met with the county Assessor within the last 30 days. Attorney Kabrick explained that there could be an issue with allowing a structure on the property if the property was subdivided and not declared a lot of record in advance. She suggested that, if the variance is granted, a contingency should be added to the motion in regards to confirming whether or not the property needs to be declared a lot of record.

Following some discussion, Bob Cook made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 4-0.

Bob Cook made a motion to grant a variance to allow Ruler Foods to place an off-premise pylon sign on the parking lot leased from the Dubois County Museum, consistent with the Exhibit attached to the petition and contingent upon whether or not the property should be declared a lot of record. Randy Mehringer seconded it. Motion carried 4-0.

## **ADJOURNMENT**

With no further discussion, Bob Cook made a motion to adjourn the meeting. It was seconded by Secretary Buck. Motion carried 4-0, and the meeting was adjourned at 7:55 p.m.

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Jerry Uebelhor, Chairman

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Dan Buck, Secretary

Recording Secretary, Kathy Pfister